IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11250 of 2005

Between:

V. Murali Babu, S/o V. Ramachandraiah, Owner of T/T Combination AP-09-K-

7615 & AP-16-AD-6863 & AP-03-U-1826, Pullur Village, S.R. Puram Mandal, Chittoor District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Chittoor, Chittoor District.
2 The Motor Vehicles Inspector, Puttur, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, especially one in the nature of Writ of Mandamus declaring the seizure of the petitioner's Tractor/Trailer bearing No. No.AP-09-K-7615 and AP-3-U-1826 vide vehicle check report No. 3247232
dt. 28-4-2005 is illegal arbitrary and violative of Article 19(1) (g) of the constitution of India and further declare that the action of the 1st respondent in not releasing the vehicle is also illegal and arbitrary.

Counsel for the Petitioner: MR.K.UMAPATHY

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court made the following :

O R D E R:

Heard both the counsel.

The petitioner is the owner of the tractor-trailor bearing Nos. AP-09-K-7615 and AP-3-1826. While so, the said vehicle was seized and detained vide check report No.3247232 on 28.04.2005 as the vehicle is not covered by any tax proof and R.C. book. The said vehicle was seized under Section 207 of the Motor Vehicles Act.

The case of the petitioner is that he kept the said vehicle idle and while it was coming towards mechanic shed for repairs, it was seized. The petitioner also filed an application on 10.05.2005 for release of the said vehicle. But, the respondents have not taken any action.

As the vehicle is seized pending enquiry under Section 207 of the Motor Vehicles Act, the respondents are directed to release the said vehicle in favour of the petitioner subject to the condition that he deposits a sum of Rs.1,000/- (Rupees one thousand only) in favour of the first respondent and files an undertaking to the effect that he will not alienate, alter or change the said vehicle pending enquiry. The tentative amount of Rs.1,000/- (Rupees one thousand only) is subject to the enquiry proceedings that may be passed by the first respondent.

Accordingly, the Writ Petition is disposed of. No costs.

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V.ESWARAIAH, J

Dated:17-05-2005

CCM

To

1 The Secretary, Regional Transport Authority, Chittoor, Chittoor District.
2 The Motor Vehicles Inspector, Puttur, Chittoor District.

3 2 CCs to the G..P. for Transport, High Court Buildings,

A.P.Hyderabad (OUT).

4 2 CD copies.